

## Affidavit of Process Server

*Michael Hallner as Trustee of Chauffeur, Trainers & Servers v. Duffy Trucking LLC*  
 PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT CASE #

Being duly sworn, on my oath, I Chaundel Sammarco  
 declare that I am a citizen of the United States, over the age of eighteen and not a party to this action.

**Service:** I served Duffy Trucking LLC by Harry P. Stinespring, III, registered Agent  
 with the (documents) ☐ Subpoena with \$ \_\_\_\_\_ witness fee and mileage  
☒ Summons & Complaint

by serving (NAME) Harry P. Stinespring, III, Registered Agent  
 at ☐ Home \_\_\_\_\_  
☒ Business 195 N. Harbor Drive Chicago Illinois  
☐ on (DATE) 03/20/08 at (TIME) 2:25pm

Thereafter copies of the documents were mailed by prepaid, first class mail on (DATE) \_\_\_\_\_  
 from (CITY) \_\_\_\_\_ (STATE) \_\_\_\_\_

**Manner of Service:**

- ☒ By Personal Service.  
☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof,  
 namely \_\_\_\_\_  
☐ By leaving a copy at the defendant's usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards, and informing that person of the general nature of the papers,  
 namely \_\_\_\_\_  
☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ Unknown at Address ☐ Evading ☐ Other: \_\_\_\_\_  
☐ Address Does Not Exist ☐ Service Cancelled by Litigant  
☐ Moved, Left no Forwarding ☐ Unable to Serve in a Timely Fashion

**Service Attempts:** Service was attempted on: ( ① ) 3/14/08 9:00 Am, ( ② ) 3/15/08 2:00 Pm  
 ( ) \_\_\_\_\_ DATE TIME ( ) \_\_\_\_\_ DATE TIME ( ) \_\_\_\_\_ DATE TIME

**Description:** ☒ Male ☒ White Skin ☐ Black Hair ☒ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.  
☐ Female ☐ Black Skin ☐ Brown Hair ☒ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.  
☐ Yellow Skin ☐ Blond Hair ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.  
☐ Brown Skin ☒ Gray Hair ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.  
☒ Glasses ☐ Red Skin ☐ Red Hair ☐ Mustache ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.  
☐ Beard

OTHER IDENTIFYING FEATURES: \_\_\_\_\_

State of Illinois County of Cook

Subscribed and sworn to before me,  
 a notary public, this 21 day of March, 2008

SERVED BY  
 LASALLE PROCESS SERVERS

NOTARY PUBLIC



EXHIBIT

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CHARTER MEMBER NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL HAFFNER, as Trustee of the	)	
CHAUFFEURS, TEAMSTERS & HELPERS	)	
LOCAL UNION NO. 301 HEALTH &	)	
WELFARE FUND,	)	Case No. 08 C 1372
	)	
	)	Judge Coar
Plaintiff,	)	
	)	Magistrate Judge Mason
v.	)	
	)	
DUFFY TRUCKING, L.L.C.,	)	
	)	
Defendant.	)	

**DECLARATION OF MICHAEL HAFFNER**

I, Michael Haffner, in accord with 28 U.S.C. § 1746, hereby give my declaration.

I. I am trustee and chairman of the Chauffeurs, Teamsters & Helpers Local Union No. 301 Health & Welfare Fund ("Health & Welfare Fund"). In preparing this declaration I have reviewed the Health & Welfare Fund's files and records concerning Defendant Duffy Trucking, L.L.C. ("Duffy"). This declaration is based upon the Health & Welfare Fund's records, and the amounts due as stated in this declaration are for the period of time from February 1, 2008 through February 29, 2008.

2. The allegations set forth in the complaint against Duffy and its attached exhibits were true and accurate as of the date the complaint was filed. Subsequent to filing of the complaint Duffy paid delinquent contributions and/or liquidated damages due for the months of November, 2007 through January, 2008. As of April 11, 2008, Duffy has failed to pay contributions due and owing the Health & Welfare Fund for the month of February, 2008.

3. The total amount of unpaid contributions owed to the Health & Welfare Fund for the month of February, 2008 is \$832.00.

4. The trust agreement that governs the Health & Welfare Fund provides for liquidated damages of ten percent (10%) of the contributions due in the event that a contributing employer fails to pay contributions in a timely manner. Accordingly, Duffy owes the Health & Welfare Fund \$83.20 in liquidated damages for the period of time from February 1 through February 29, 2008.

5. In addition to the amounts set forth above, Duffy is liable under the trust fund and Agreement to the Health & Welfare Fund for payment of reasonable attorneys' fees and costs of collection.

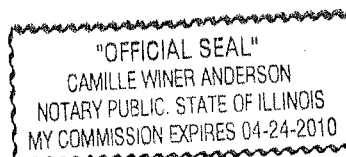
I declare under the penalty of perjury that the foregoing is true and correct.

Executed on APRIL 14<sup>th</sup>, 2008

  
Michael B. Haffner

SUBSCRIBED AND SWORN TO  
Before me this 14<sup>th</sup> day of  
April, 2008.

  
NOTARY PUBLIC



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL HAFFNER, as Trustee of the	)	
CHAUFFEURS, TEAMSTERS & HELPERS	)	
LOCAL UNION NO. 301 HEALTH &	)	
WELFARE FUND,	)	Case No. 08 C 1372
	)	
	)	Judge Coar
Plaintiff,	)	
	)	Magistrate Judge Mason
v.	)	
	)	
DUFFY TRUCKING, L.L.C.,	)	
	)	
Defendant.	)	

**DECLARATION OF MARTIN BARR**

Martin Barr, in accord with 28 U.S.C. § 1746, hereby makes the following declaration.

1. I am a partner of the firm Carmell Charone Widmer Moss & Barr, Ltd. I obtained my J.D. in 1985. During the last twenty two (22) years I have specialized in labor law and employee benefit plan litigation under the Employee Retirement Income Security Act.

2. William A. Widmer, III, is also a partner in the firm. He has specialized in labor law and employee benefit plan litigation under the Employee Retirement Income Security Act for over thirty (30) years.

3. Mia Segal is an associate in the firm. She has specialized in labor law and employee benefit plan litigation under the Employee Retirement Income Security Act for less than one year.

4. My firm seeks an award of attorneys' fees of \$2,265.00 calculated at the rate of \$250.00 an hour for Mr. Widmer and myself, and at the rate of \$150.00 for Ms. Segal for work we have performed on behalf of Plaintiff in the above-captioned matter.

EXHIBIT

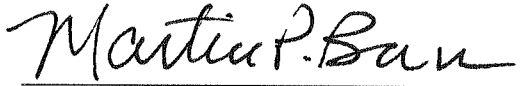
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5. Mr. Widmer, Ms. Segal, and I have expended 10.30 hours in the course of this litigation on behalf of Plaintiff including pre-lawsuit investigation, discussion with representatives of Plaintiff, drafting the complaint, drafting the motion for default judgment, preparing supporting declarations, and appearing in court for presentment of the motion for default judgment. Moreover, Plaintiff has incurred costs of \$350.00 for the filing of this lawsuit, \$290.00 for service of process, and \$7.50 for the delivery of litigation-related documents.

6. The total amount of attorneys' fees and costs sought on behalf of Plaintiff in relation to this litigation is \$2,912.50.

7. I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 14th day of April 2008.

  
Martin P. Barr